

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Disciplinary proceedings against Sri S.P.Khasim, Office Superintendent, 6th Battalion, APSP, Mangalagiri, Guntur, now retired from service – Disciplinary proceedings set aside by the APAT- Representation of AO - Considered - Further action dropped – orders – Issued.

HOME (SERVICES-III) DEPARTMENT

G.O.RT.No. 269

Dated: 19-04-2016

Read the following:-

1. From the DGP, AP, Hyd., Lr.Rc. No. 38/F2/2007, dt.22.05.2009.
2. From the DGP, AP, Hyd., Lr.Rc. No. 195/Appeal-3/2004, dt.13.08.2010.
3. Govt.Memo.No.14462/Ser-III/A1/2009, dt.03.03.2012.
4. APAT Interim Orders dt.04.04.2012 in OA No.2544/2012.
5. Notice dt.09.04.2012 in CA.No.495/2012 in OA No.79/2007 filed by Sri S.P.Khasim.
6. APAT Final orders dt.04.02.2016 in OA.No.2544/2012 filed by Sri S.P.Khasim.
7. Representation from Sri S.P.Khasim, Rtd. Superintendent, 6th Battalion, APSP, Mangalagiri, Guntur , dt.20.02.2016.
8. Copy of Lr. C No.1754/A3/2010-16, dt.27.02.2016, from Commandant, 6th Battalion, APSP, Mangalagiri, Guntur.

ORDER:

In the reference 2nd read above, the Director General of Police, Andhra Pradesh, Hyderabad has reported that an Oral Enquiry against Sri S.P.Khasim, Office Superintendent (Retired), was conducted but action under APCS (CC & A) Rules could not be taken against him due to his retirement from service on 31.08.2009 on superannuation and requested the Government to take further action as per Rule-9 of AP Revised pension Rules, 1980, since Government is alone competent to take action on retired employees.

2. Accordingly, in the reference 3rd read above, Sri S.P. Khasim, Office Superintendent (Retired), was issued a show cause notice to explain why the penalty of withholding the entire pension and gratuity, besides recovery of misappropriated amount of Rs.1,76,770/- with interest should not be recovered against him, since the charge was proved in the oral enquiry.

3. In the reference 4th read above, the APAT have issued interim orders on the OA filed by Sri S.P Khasim against the Show cause Notice, wherein the Government was directed not to proceed further on the show cause notice issued until further orders. Subsequently in the reference 6th read above, final orders were pronounced by Hon'ble APAT setting aside the show cause Notice issued by Government with a direction to regularise the dismissal period of the Applicant as duty for all purposes, except monetary benefit and to release all the pensionary benefits within a period of three months from the date of receipt of orders.

4. In the reference 7th read above, Sri S.P.Khasim, Retired Office Superintendent, 6th Battalion, APSP, Mangalagiri, Guntur in his representation has stated that the provisional decision of imposing the penalty of withholding the entire pension and gratuity, besides recovery of misappropriated amount of Rs.1,76,770/- with interest against him will not stand for legal scrutiny on natural Justice, as the criminal case in this regard in crime No.189/97 under section 409 IPC was set aside and he was acquitted by the District Court, Ongole on 17.11.2005, and the same was upheld by High Court dt.28.04.2014 in CRLA.No.1250 of 2007. He has therefore requested to release all his retirements benefits and regularise dismissal period keeping in view of the Judgement of APAT dt.04.02.2016 in setting aside the impugned departmental proceedings vide C.No.16/OE-PR/2000 of DIG, Guntur Range, Guntur and also the consequential charge memo dated.03.03.2012 issued by the Government.

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5. Government after careful examination of the representation of the Charged Officer i.e., Sri S.P. Khasim, Office Superintendent (Retired), and taking into consideration of acquittal in criminal case in the concerned court and also keeping in view the final orders of APAT, hereby decide to drop all further action against him. Consequently, the dismissal period of the individual from 15.02.2002 to 15.08.2002 and from 21.05.2005 to 13.08.2007 shall be regularised as "on duty " with sanction of leave to which he is eligible, with release of all pensionary benefits, due to him.

6. The Director General of Police, Andhra Pradesh, Hyderabad is requested to take further necessary action in the matter accordingly with immediate effect to implement the APAT Orders within the stipulated period.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MANMOHAN SINGH
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To

The Director General of Police, Andhra Pradesh, Hyderabad.

Copy to:-

Sri S.P. Khasim, H.No. 1-2-2 (2), Seetharampuram, Ongole, Prakasam District.

The Commandant, 6th Bn., APSP, Mangalagiri, Guntur – 522503.

The Government Pleader for Home, APAT, Hyderabad.

SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER